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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/987,404

11/14/2001

Takeshi Kamio

SH-0027US

7029

21254

7590

12/08/2008

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC

8321 OLD COURTHOUSE ROAD

SUITE 200

VIENNA, VA 22182-3817

EXAMINER

HOFFMANN, JOHN M

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

12/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09987404	11/14/01	KAMIO ET AL.	SH-0027US

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VIENNA, VA 22182-3817

EXAMINER

John Hoffmann

ART UNIT	PAPER
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1791	20081204
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Commissioner for Patents

The reply brief (request for reconsideration) filed on 8/11/2008 has not been considered because it is not in compliance with 37 CFR 41.41(a). The reply brief included a new or non-admitted amendment or new or non-admitted affidavit or other evidence."

The request for reconsideration was not persuasive. Appellant argued that Examiner had every opportunity to use the drawings as evidence. The basis for refusal of entry was that examiner could not use 'proportionality' as evidence. In other words proportions derived from the drawings were inadmissible. But now that applicant argues they are relevant, they are no longer inadmissible. In other words the proportionality (not the drawings) is new evidence.

The appeal is forwarded to the Board for a decision on the merits

/John Hoffmann/
Primary Examiner, Art Unit 1791